

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

SKYLINE SOFTWARE SYSTEMS, INC.,

Plaintiff,

v.

KEYHOLE, INC., and  
GOOGLE INC.

Defendants.

CIVIL ACTION NO. 06-10980 DPW

**DEFENDANTS KEYHOLE, INC.'S AND GOOGLE INC.'S MOTION FOR SUMMARY  
JUDGMENT OF ANTICIPATION BASED ON THE PUBLIC USE OF TERRAVISION**

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Pursuant to Fed. R. Civ. P. 56, Local Rule 7.1, and Local Rule 56.1 Defendants Keyhole, Inc. and Google Inc. (“Google”) respectfully submit this Motion for Summary Judgment of Anticipation Based on the Public Use of TerraVision. Google respectfully moves for an order granting summary judgment that claims 1, 3, 12, and 14 of U.S. Patent No. 6,496,189 (“the ’189 patent”) are anticipated and therefore invalid. In addition, should the Court agree with Plaintiff Skyline Software Systems, Inc.’s (“Skyline’s”) interpretation of certain limitations of the ’189 patent, Google also moves for summary judgment that claims 7, 8, 18, and 22 of the ’189 patent are anticipated and therefore invalid.

As described in the supporting Memorandum of Points and Authorities in Support of Defendants’ Motion for Summary Judgment of Anticipation Based on the Public Use of TerraVision, the accompanying Declaration of Carolyn Chang in Support of Defendants’ Motions for Summary Judgment and all exhibits thereto, the Declaration of Professor Steven K. Feiner, Ph.D. in Support of Defendants’ Motions for Summary Judgment and all exhibits thereto, and the Separate Statement of Undisputed Facts in Support of Defendants’ Motions for Summary Judgment, there is no genuine dispute of material fact that at least claims 1, 3, 12, and 14 of the ’189 are anticipated by the public use of TerraVision, and that claims 7, 8, 18 and 22 of the ’189 patent are anticipation by the public use of TerraVision if Skyline’s interpretation of these claims is accepted.

**WHEREFORE**, Google requests that the Court grant this Motion and issue the Proposed Order attached hereto as Exhibit A.

**REQUEST FOR HEARING**

Pursuant to this Court's August 1, 2006 Scheduling Order, a hearing on this Motion for Summary Judgment of Noninfringement is scheduled for February 23, 2007 at 2:30 p.m.

Dated: January 19, 2007

Respectfully submitted,

By: /s/ Darryl M. Woo

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**CERTIFICATE PURSUANT TO LOCAL RULE 7.1**

Pursuant to Local Rule 7.1, counsel for Defendants' contacted counsel for Plaintiff regarding the filing of this Motion, and counsel were unable to resolve or narrow the issues raised by this Motion.

Dated: January 19, 2007

Respectfully submitted,

By: /s/Darryl M. Woo

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